DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/01/2010 has been entered.

Response to Arguments

2.   Applicant's arguments filed 09/01/2010 have been fully considered but they are

not persuasive.

        With respect to claim 1, applicant argues cited references fail to teach claimed

limitation "providing a matrix-based narrative comprising a plurality of media slots

arranged at specific time points within said message campaign." The examiner

respectfully disagrees.

        Hite et al teaches a system and method of delivering targeted advertisements to

consumers. The reference teaches at the point of usage, a commercial processor is

programmed to find and analyze the CID codes in commercial. When a match is found

between transmitted and stored CID codes, the commercial is presented at a single

preemptable position in a specific program. Furthermore, a sequence code is stored at

the point of display, which would be used to compute a new CID code for subsequent

commercials (i.e. 1 x n)(claimed: a matrix-based narrative). Thus, commercials including

a story line, which plays out in determined sequence). In addition, the reference teaches

commercial spots when addressable ads will have a unique identifier code. These

codes are transmitted by the network or locally in local avails spots. The program

delivery system will broadcast a default commercials in the spot eligible for the

addressable ads. Furthermore, commercial processor will find and analyze CID code in

each commercials and would apply display rules and substitute default commercials

(Col.4 lines 3-11, lines 45-51 and Col.7 lines 15-34).

Claim Rejections - 35 USC § 103

3.　　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.　　　Claims 1-13 and 19-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hite et al (United States Patent 5,774,170), in view of Byers et al

(United States Patent 7,334,249).

　　　Regarding claim 1, Hite teaches "a method for creating a message campaign,

said message campaign allowing the creation of a plurality of different individual

advertisements for targeted audiences, based upon criteria of said targeted

audiences,"(Figure 1; Abstract, Col.4 lines 3-11, Col.10 lines 54-67) comprising:

"providing a matrix-based narrative (i.e. commercials including a story line, which plays out in determined sequence) comprising a plurality of media slots arranged at specific time points within said message campaign (i.e. commercial break includes multiple commercials, wherein the default commercials are replaced by sequenced targeted commercials) (Col.4 lines 3-11, lines 45-51 and Col.7 lines 15-34);"

"providing a plurality of media segments (i.e. multiple commercials), said media segments configured to be assembled into said plurality of media slots, wherein at least one of said media segments is interchangeable with another one of said media segments. (i.e. based on CID codes, different commercials is/are displayed at different sites)" (Figure 1; Col.4 lines 3-11);

"providing assembly information (i.e. CID code) regarding how said plurality of media segments (i.e. commercials) may be assembled to create said plurality of individual advertisements (i.e. targeted commercials);" (Col.4 lines 3-11, Col.5 lines 40-50) and

"associating said assembly information (i.e. CID codes) with said plurality of media segments (i.e. commercials);"(Col.5 lines 58-62) However, the reference is unclear with respect to wherein each media segment is not a complete individual advertisement."

In similar field of endeavor, Byers et al teaches wherein each media segment is not a complete individual advertisement (i.e. changing elements within stream to fit user profile). (Figure 6; Col.2 lines 41-67 and Col.10 lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

the reference for the common knowledge purpose of dynamically alerting video images to allow customization of a digital stream based upon characteristics associated with a user (Col.1 lines 40-44).

Regarding claim 2, Hite et al teaches "an individual advertisement for a specific targeted audience is assembled at a later time (i.e. targeted commercial is displayed based on the CID code saved at the receiver), said individual advertisement message being assembled based upon said assembly information (i.e. each commercial includes CID code), said plurality of media segments, and on information regarding said target audience. (Hite: Col.4 lines 3-11, Col.5 lines 40-50, 58-62 and Col.10 lines 54-67 and Byers: Figure 6; Col.2 lines 41-67 and Col.10 lines 1-9)

Claim 3 is rejected wherein "at least one media segment used to assemble one of said individual advertisements is created at said later time." (Col.5 lines 40-50, 58-62 and Col.6 lines 10-13)

Claim 4 is rejected wherein "assembly information(i.e. CID codes) includes rules for use at said later time, said rules for use in determining which of said plurality of said media segments (i.e. commercial) to use in assembling an individual advertisement (i.e. targeted commercial) for said specific targeted audience, based on said information regarding said target audience." (Col.4 lines 3-11, Col.5 lines 40-50, 58-62, Col.6 lines 10-13, Col.10 lines 54-67)

Claim 5 is rejected wherein "rules include default conditions for determining which of said plurality of said media segments to use when no appropriate information regarding said target audience is available."(Col.4 lines 12-18, Col.6 lines 3-6)

Claim 6 is rejected wherein "media segments include audio, video, voice overs, and background music."(Col.10 lines 11-16)

Claim 7 is rejected wherein "a subset of said plurality of media segments form a default generic individual advertisement." (Col.4 lines 12-18, Col.6 lines 3-6)

Claim 8 is rejected wherein "said assembly information includes data representing time segments; said media segments, and conditions."(Col.4 lines 3-18 and Col.5 lines 58-62)

Claim 9 is rejected wherein "said individual advertisement for a specific targeted audience is assembled in a set top box for a television receiver contemporaneously with displaying said individual advertisement to said specific targeted audience (i.e. a sequence of commercial are generated)." (Col.4 lines 45-51 and Col.5 lines 40-50)

Claim 10 is rejected wherein "the plurality of media segments includes alternative segments of different lengths."(Col.5 lines 58-62)

Claim 11 is rejected wherein "the assembly information contains a role for choosing each of the media segments." (Col.4 lines 34-40)

Claim 12 is rejected wherein "the rule for choosing a media segment depends on the outcome of a previous choice." (Col.4 lines 52-61)

Claim 13 is rejected wherein "the assembly information contains a rule disallowing a combination of media segments."(Col.4 lines 34-44)

Claim 19 is rejected wherein "the media segments include video segments and other media segments."(Col.5 lines 40-50)

Claim 20 is rejected wherein "the other media segments include audio segments." (Col.5 lines 40-50)

Claim 21 is rejected wherein "the assembly information includes roles for the assembly of the video segments and rules for the assembly of the other media segments." (Col.4 lines 3-11, lines 45-51, Col.5 lines 40-62)

5.   Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al, in view of Byers et al, further in view of Khusheim et al (United States Patent Application Publication 2003/0221191).

Regarding claim 14, Hite and Byers, the combination teaches everything claimed (see claim 1). However, the combination is unclear with respect to "each media segment is associated with a segment parameter, the assembly data including a rule basing a choice of a media segment on its associate segment parameter."

In similar field of endeavor, Khusheim teaches " each media segment (i.e. commercial) is associated with a segment parameter (i.e. criteria), the assembly data including a rule basing a choice of a media segment (i.e. commercial) on its associate segment parameter (i.e. criteria)."(Paragraphs 0040, 0042, 0046, 0104) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination for the common knowledge purpose of providing target commercials based on user's criteria.

Regarding claim 15, Hite, Byers and Khusheim, the combination teaches everything claimed (see claim 15). The combination teaches "the segment parameters identify a demographic of an intended audience."(Khusheim: Paragraph 0011, 0046)

Regarding claim 16, Hite, Byers and Khusheim, the combination teaches everything claimed (see claim 15). The combination teaches "the segment parameters identify an environmental condition."(Khusheim: Paragraphs 0045 and 0046)

Regarding claim 17, Hite, Byers and Khusheim, the combination teaches everything claimed (see claim 15). The combination teaches "a media segment is associated with a plurality of different segment parameters."(Khusheim: Paragraph 0011, and 0046)

Regarding claim 18, Hite, Byers and Khusheim, the combination teaches everything claimed (see claim 17). The combination teaches is rejected wherein "the different segment parameters are assigned priorities, the assembly data including a role basing a choice of a media segment on the different segment parameters according to the assigned priorities."(Khusheim: Paragraphs 0011, 0045 and 0046)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-

270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:30 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427